

# **CATHOLIC EASTERN CHURCHES: HERITAGE AND IDENTITY**

**PAUL PALLATH (Editor)**

**MAR THOMA YOGAM**

**(THE ST THOMAS CHRISTIAN FELLOWSHIP, ROME)**

**ROME 1994**

# **THE TEACHING OF THE POPE'S CONCERNING THE HERITAGE AND IDENTITY OF EASTERN CHURCHES**

**Paul Pallath**

The pope is at the same time head of the Latin Church and head of the Catholic Church which is a communion of different Churches. All the Churches of the Catholic communion "both Eastern and Western...are none the less all equally entrusted to the pastoral guidance of the Roman Pontiff, who by God's appointment is successor to Blessed Peter in primacy over the Universal Church. Therefore these Churches are of equal rank, so that none of them is superior to the others because of its rite" (OE 3). As the head of the universal Church the popes always demonstrated great care and solicitude for the growth and development of all the Churches of the Catholic communion and through their encyclicals, apostolic letters, indults and other benevolent actions tried to safeguard the rights of all these Churches and promoted the preservation of their ancestral heritage. From the very beginning of Christianity the bishop of Rome has been considered as the guarantee of true faith and morals, and the focal point of communion. As such he has the inalienable right and obligation to safeguard the truth of faith and the integrity of morals in the universal Church. Besides, it belongs to the Petrine ministry to resolve canonical and liturgical disorders everywhere in the world in accordance with the heritage of each Church in order to maintain unity and harmony in the Catholic communion. Our purpose is only to present the important teaching of some of the popes concerning the heritage and identity of Oriental Churches.

## **1. Benedict XIV (1740 - 1758)**

In the eighteen-year pontificate of Pope Benedict XIV we can see over two hundred apostolic briefs, bulls, decrees, constitutions, encyclical letters and consistorial acts dealing with strictly Oriental or inter-Church matters.<sup>1</sup> We deal only with three important documents

---

<sup>1</sup> For a chronological presentation of the documentation of Pope

of the Pope. The Pope promulgated the Apostolic Constitution *Etsi Pastoralis* on May 26, 1742.<sup>2</sup> It may be called a miniature Code of Oriental Canon Law. The Constitution is divided into an introduction and ten sections. The first section treats of Catholic doctrine and touches such points as procession of the Holy Spirit, unleavened and leavened bread, purgatory, the beatific vision and the primacy of the Roman Pontiff. The subsequent articles deal with the seven sacraments (art. 2-7) and establish norms regarding their matter, form, minister and subject, as well as the determination and mutation of rite.<sup>3</sup> The last section discusses the manner in which the Greek Rite is to be preserved in Italy and the adjacent islands and the question of the subjection of the Italo-Greek Catholics to the jurisdiction of the Latin Bishops.<sup>4</sup>

*Demandatum caelitus*<sup>5</sup> of 24 December, 1743, addressed to the "Venerable brothers, and Antiochean patriarch of the Greek-Melkite rite, and to all Catholic bishops subject to the same patriarch", contains some important principles regarding the preservation of rite, fast and abstinence, the celebration of the Holy Sacrifice and especially the Mass of the presanctified during Lent, uniformity in liturgy, patriarchal and episcopal jurisdiction, the administration of confirmation, latinizing and the question of changing rite and the monastic discipline, with special emphasis on the rule of St. Basil.<sup>6</sup> Against the unauthorized innovations and changes in the Greek Rite the pope strongly insisted that the abstinence and fast discipline should be continued according to the ancient tradition.

We, judging that such innovations, relaxation of abstinence and shortening (of fasts) are very much detrimental to the

---

Benedict XIV referring to the Orientals, cf. W. F. KING, *Benedict XIV and the Orientals*, Roma 1940.

<sup>2</sup> *Etsi Pastoralis*, *Bullarium Benedicti XIV* tom. 1, LVII; *Opera Omnia*, vol. XV, 1845, 197-212.

<sup>3</sup> *Etsi pastoralis*, *Opera Omnia* vol. XV, 199-208.

<sup>4</sup> *Etsi Pastoralis*, in *Opera Omnia* vol. XV, 208-211; for the content of the constitution, cf. W. F. KING, *Benedict XIV and the Orientals*, 29.

<sup>5</sup> *Bullarium Benedicti XIV*, tom. I, LXXXVII; *Opera Omnia*, vol. XV, 1845, 328-334; also in *Bullarium Pontificium*, tom. III, Romae 1840, 96-105.

<sup>6</sup> For the summary of the content, cf., W. F. KING, *Benedict XIV and the Orientals*, 37.

ancient discipline of the Greek Churches ....expressly revoke them with our authority; they have no effect in the future, nor are to be ordered to any execution, but we order to restore every thing as in the past. And moreover in the whole region of the Antiochian patriarchate the venerable custom of abstinence .... which is safeguarded also by the neighboring people of the same Greek Rite should be integrally observed.<sup>7</sup>

The most important teaching of the pope concerning the preservation of the heritage of Oriental Churches is contained in his encyclical letter *Allatae sunt* dated July 26, 1755,<sup>8</sup> addressed to the missionaries stationed in the East. *Allatae sunt* was written on the occasion of a letter addressed to the Congregation for the Propagation of Faith by a missionary priest in Bassora in Babylon. The Syrians and Armenians not having a Church of their own in Bassora had to use the Church of the Latin missionaries for liturgical functions. So the missionary wanted to know whether these Orientals had to follow their own rite in the liturgical celebration or the Latin, and whether the fast discipline of the Orientals could be modified in the manner of the Latins. Regarding Oriental discipline the Inquisition court in Rome on 13 March, 1755 unanimously decided: *nihil esse innovandum* (nothing should be innovated).<sup>9</sup> Based on this decision and quoting a decree of the Congregation for the Propagation of Faith, the pope clearly pointed out that the Orientals must follow their own rite and Church calendar and not the Latin. The words of the pope to the missionaries are the following:

No one of them in the future, on whatever occasion or pretext, may dare to dispense Catholics of whatever Oriental nations, from their fasts, prayers, ceremonies and similar disciplines, prescribed by the particular Rite of the same nation, and approved by the holy Apostolic See.<sup>10</sup>

The pope also established a norm for the missionaries working among the Orientals. The missionaries are admonished never to interfere with the approved rites of the Orientals. In converting the separated

---

<sup>7</sup> *Opera Omnia*, vol. XV, 330.

<sup>8</sup> *Bullarium Benedicti XIV*, tom. III, pars II, XLVII; *Opera Omnia*, vol. XVIII, 1847, 249-272; also in *Bullarium Pontificium*, vol. III, Romae 1840, 338-377.

<sup>9</sup> *Opera Omnia*, XVIII, 249.

<sup>10</sup> *Opera Omnia*, vol. XVIII, 249.

Oriental, their aim should be to turn them from error and schism and not to make them Latins. The pope, after explaining clearly the position of the Holy See concerning mission work among the separated Orientals, states in *Allatae sunt*:

Finally from what we have stated above it is clear that a missionary who desires to bring back an Oriental schismatic should certainly take care that he may not strive to induce him to embrace the Latin Rite: for only the duty of bringing back the Orientals again to the Catholic faith is entrusted to the missionary, not of inducing him to the Latin Rite.<sup>11</sup>

At the end of the encyclical the pope states:

These things that we have exposed in this encyclical letter not only bring to light the fundamentals by which responses are offered to the missionary who proposed the questions noted above, but also manifests the benevolence with which the Apostolic See embraces the Catholic Orientals, while it admonishes that their ancient Rites should be entirely preserved which are neither opposed to Catholic religion nor to morality. The Holy See is not demanding from the schismatics coming to the Catholic unity that they should abandon their Rites, but only that they should give up and execrate the heresies, desiring eagerly and vehemently that the diversity of their nations (their diverse nations) should be preserved and should not be destroyed, and that all should become Catholics and not Latins.<sup>12</sup>

## 2. Pope Leo XIII (1878-1903)

Pope Leo XIII, during his long pontificate published about 240 documents treating of the East.<sup>13</sup> When his pontificate began the relations between the Holy See and some Oriental Catholic Churches were cool, even tense. The new pope's tact, flexibility and understanding together with warm approval and keen enjoyment of Eastern traditions gradually changed the atmosphere for the better.<sup>14</sup> A great event which expressed the solicitude of Pope Leo XIII for the

---

<sup>11</sup> *Opera Omnia*, vol. XVIII, 256.

<sup>12</sup> *Opera Omnia*, vol. XVIII, 272.

<sup>13</sup> R.F.ESPOSITO, *Leone XIII e l'Oriente Cristiano*, 1960, 9.

<sup>14</sup> J. KRAJCAR, "The Christian East and Popes from Leo XIII to Pius XII, *Seminarium* 15 (1975) 299.

Orientalism was the inclusion of the feast of the Slavic apostles, Sts. Cyril and Methodius, in the calendar of the Universal Church by the encyclical *Grande munus* issued on 30 September 1880.<sup>15</sup> On April 12, 1881 by a decree *Orientalium Ecclesiarum ritus* the pope abolished the latinized liturgy practiced in the ancient abbey of Grottaferrata near Rome, founded in the eleventh century, where Greek monks lived according to the Rule of St. Basil and according to the Byzantine liturgical tradition. He ordered the monks to bring their liturgy back to the pure Byzantine rite.<sup>16</sup>

Pope Leo XIII wrote another encyclical, *Praeclara Gratulationis*, on June 20, 1894, on the occasion of his episcopal jubilee.<sup>17</sup> In this encyclical the pope expressed his regret about the divided Church of Christ and invited the dissidents to full communion. The pope expresses his idea of reunion as follows:

The true union among the Christians which the author of the Church, Jesus Christ established and wished, consists in the unity of faith and government. Nor is there any reason for you to fear on that account that We or any of Our successors will ever diminish your rights, the privileges of your patriarchs, or the established ritual of any of your Churches.<sup>18</sup>

The most important teaching of the pope affecting the Eastern Catholics is the Apostolic Constitution *Orientalium Dignitas* of November 30, 1894.<sup>19</sup> The instructions laid down in this document shows the great solicitude of the pope for the Eastern Catholics, for the preservation of their liturgy, for the observance of their rights and privileges. In this decree Leo XIII treats of moral persuasion by the Latin clergy to bring about a change of rite, the marriage of Eastern Christians, the education of Eastern Church youths by the Latins, the sacraments, jurisdiction, and other matters affecting the authority of the Eastern bishops and the procedure to be followed in the reception

<sup>15</sup> ASS (1894) 145-153; also in *Leonis XIII Acta*, vol. II, Romae 1882, 125-137.

<sup>16</sup> J. KRAJCAR, "The Christian East and the Popes", 299.

<sup>17</sup> ASS (1893-94) 705-717; also in *Leonis XIII Acta*, vol. XIV, Romae 1895, 195-214.

<sup>18</sup> ASS (1893-94) 709.

<sup>19</sup> ASS (1894-95) 257-264; also in *Leonis XIII Acta*, vol. XIV, Romae 1895, 358-370.

of dissidents back into the Church.<sup>20</sup> Many of the norms of Pope Leo XIII concerning inter-Church relationship were adopted and received by the former Oriental legislation and the *Codex Canonum Ecclesiarum Orientalium*. The Oriental Christians could not but praise Pope Leo XIII for the norms of *Orientalium Dignitas* promulgated in the historical context of that time, sixty eight years before the inauguration of the Second Vatican Council. After emphasizing the importance of the preservation of the Oriental rites and after ordering that the clerics should observe and foster their own rites with greatest scrupulousness and fidelity, the pope praises the Christian East in the following words:

Certainly the venerable antiquity, for which the various rites are renowned, is a brilliant ornament for every Church and this variety affirms the divine unity of the Catholic faith. Hence surely, since the Apostolic origin of the principal Churches of the East stands firm and clear, their greatest union with the Roman Church from the beginning is eminently clear. Perhaps there is nothing more admirable to illustrate the note of Catholicity in the Church of God than the unique homage (obsequium) that the different forms of ceremonies and the venerable and well known languages of antiquity, still more venerable through the usage of the Apostles and Fathers, offer to her; almost imitating the excellent obsequium that was extended to Christ, the divine author of the Church at his birth, when the Magi from the various regions of the Orient reached....to adore him.<sup>21</sup>

Some of the important regulations of Pope Leo XIII for the preservation of the heritage of the Eastern Churches are the following.

1. Any Latin missionary, who, from the secular or regular clergy, would lead an Oriental to the Latin rite, through advice or help, shall be deprived of and excluded from his office, in addition to the suspension from priestly ministry which he incurs *ipso facto* and other penalties imposed by the constitution *Demandatum*.

2. Latin religious communities of men who work in the East to educate the youth, in case they have some students (alumni) of an Oriental rite in their college, should have with them, after consulting the patriarch, a priest of the same rite for the benefit of the students,

---

<sup>20</sup> CYPRIAN DAVIS, in *the Popes and the Oriental Church* St. Meinard Essays, vol. 11, no. 2, 1955, 9-10.

<sup>21</sup> ASS (1894-95) 258.

to celebrate the Sacrifice of the Mass and the divine office as well as to impart catechetical instruction in the mother tongue and to explain the rites; or at least they should invite such a priest for the same purpose on Sundays and feast days of precept. Therefore we declare as abolished any privilege, even those deserving special mention, that these communities enjoy to let the students belonging to Oriental rite to follow Latin rite as long as they remain in their colleges. The directors should provide with scrupulous equity for the observances of the abstinence pertaining to the rite. Again there should be proper care about the external students: they should be sent or taken to their own Churches or institutions unless it is advisable to admit them with the resident ones for the services of their same rite.

3. The same prescriptions are to be applied as far as possible, to the communities of religious women, involved in the education of girls in monasteries and schools. If on account of time and circumstances some change is deemed necessary, it should not be effected before the consent of the Patriarch and the permission of the Apostolic See are obtained.

4. In the future colleges or religious institutes of either sex of the Latin rite should not be opened, without the consent of the Apostolic See.

5. No order or religious institute of either sex of the Latin rite is allowed to receive among its members any Oriental who has not produced the testimonial letter of the ordinary.

6. Permission was granted to the Orientals who had transferred to the Latin rite, even if by a pontifical rescript, to return to their former rite.

7. Even though an Oriental is outside the patriarchal territory and under the administration of the Latin clergy, he remains ascribed to his own rite. If he returns to the patriarchal territory, he is immediately under the jurisdiction of the patriarch of his own rite.

8. Orientals who live outside their proper patriarchal territory are subject to the Latin clergy, but nevertheless they remain in their native rite. Hence, even if their children receive Baptism from a Latin priest, they still belong to the Greek rite. But when they return to their patriarchal territory, or as soon as there is a sufficient number of priests of their own rite, they are bound to observe that rite and to be



subject to the jurisdiction of the Greek priests.<sup>22</sup>

In short, to the Catholic Eastern Churches Pope Leo XIII "was a father ever ready to defend and safeguard the precious Catholic heritage of their children, and to the separated Christians of the East he was still the father waiting to receive them back".<sup>23</sup>

### 3. Benedict XV (1914-1922)

Pope Benedict XV is to be remembered for two important institutions: the Congregation for the Oriental Churches and the Pontifical Oriental Institute. The pope separated the department *pro Negotiis Ritus Orientalis* from the Propaganda Fide and erected *S. Congregatio pro Ecclesia Orientali* (the S. Congregation for the Oriental Church) with the *Motu proprio Dei providentis* on 1 May, 1917.<sup>24</sup> With the erection of the new congregation the pope rejected the criticism that the Roman Pontiffs considered the Catholics of Oriental Rite to be of secondary or only of little importance, that they (popes) wished the Orientals to be subject to the Latins, and that they placed the Orientals on the same level with the heretics of the Occident and the infidels in keeping them under the *S. Congregatio de Propaganda Fide*.<sup>25</sup> As a sign of particular benevolence and deference towards the Oriental Churches the pope reserved to himself and his successors the prefectship of the new Congregation.<sup>26</sup> In *Dei providentis* the pope clearly affirmed the equal status of the Latin Church and the Oriental Churches before the Holy See in the following words:

Our Orientals, indeed, when they see the Supreme Pontiff

---

<sup>22</sup> In *Orientalium dignitas*, the pope gives 13 canons concerning inter-Church relationship; ASS (1894-95) 260-262.

<sup>23</sup> CYPRIAN DAVIS, *Pope Leo XIII*, 12.

<sup>24</sup> AAS 9 (1917) 529-531

<sup>25</sup> AAS 9 (1917) 530.

<sup>26</sup> The pope was the prefect of the Oriental Congregation till Paul VI reorganized the Roman Curia through his Apostolic letter *Regimini Ecclesiae Universae* on 15 August 1967 which contains a special chapter concerning the Oriental Congregation. According to this new regulation the cardinal who heads this congregation is called prefect as in the case of all other Roman Congregations. The name of the Congregation is also changed to *Sacra Congregatio pro Ecclesiis Orientalibus* (the Sacred Congregation for the Oriental Churches) in order to emphasize the importance of the local Churches. AAS 1967, 899-900.

looking after them personally and by his own means, will understand fully well that the Holy See cannot show a greater love toward them. It pleases us to hope, moreover, that there will no longer be anybody to lead Latins into a distrust of the Orientals, since it is quite evident by this fact that in the Church of Jesus Christ which is neither Latin, nor Greek, nor Slav, but Catholic, there can be no discrimination leveled among her children and those whether they be Latin, Greek, Slav or of any other nation, for each one of them possesses equal status before this Apostolic See.<sup>27</sup>

The pope also defined the competence of the new congregation in the following manner: To this new congregation was reserved all business of every kind which pertained to persons or discipline or the rites of Oriental Churches, even if it were of a mixed nature, that is, affecting also Latin Rite faithful by reason of the object or the person, with the sole exception of matters falling under the jurisdiction of the Holy Office. Thus the Congregation for the Oriental Churches was competent in regard to all Catholics of the Oriental Churches and had all the faculties which the other Congregations had for the Catholics of the Latin Church with the exception of matters pertaining to the Holy Office. However, its faculties extended only to settling matters in a disciplinary way (*via disciplinaria*). Strictly judicial questions had to be referred to the tribunal which the Congregation for the Oriental Churches would designate.<sup>28</sup>

Pope Benedict XV instituted the Pontifical Oriental Institute by his *motu proprio* *Orientis Catholici* in October 1917 for the study of Oriental matters (*Institutum studiis rerum orientalium*) and subjected it to the 'Congregation for the Oriental Church'.<sup>29</sup> According to the pope the purpose of this institute was to offer courses of study to priests of the 'Latin Rite' who were destined to exercise their ministry among the Orientals. However, both the clerics of the Catholic Oriental rites and those Orthodox desiring further knowledge of the truth were welcomed to attend this institute: the former could complete the ordinary course of doctrinal instruction, and the latter would have an opportunity to discard their prejudices and penetrate

---

<sup>27</sup> AAS 9 (1917) 530.

<sup>28</sup> AAS 9 (1917) 531.

<sup>29</sup> AAS 9 (1917) 531-533.

deeper into the truth.<sup>30</sup> Therefore the pope insisted that in the lectures both the Catholic and the Orthodox doctrines should be presented equally (*doctrinae catholicae simul et orthodoxae una pariter procedat expositio*) and the origin and source of both doctrines were clearly established so that it was evident which flowed from the preaching of the Apostles and which had its origin elsewhere.<sup>31</sup>

The publications of this institute are contributing much to the Oriental sciences. In 1923 was inaugurated the publication of *Orientalia Christiana*, that was divided in 1935 into two series: *Orientalia Christiana Periodica* for articles and *Orientalia Christiana Analecta* for larger studies.<sup>32</sup> After the promulgation of *Codex Canonum Ecclesiarum Orientalium*, a new publication, *Kanonika*, which is dedicated to canonical studies, was started in 1992.<sup>33</sup> Most of the professors of this institute are great lovers of the Oriental Churches and through their lives and scholarly works dedicate themselves to the growth of the Oriental Churches, to the preservation of authentic Oriental heritage and to the re-establishment of the rights and privileges of the Oriental Churches as they existed in the first millennium. To achieve the purpose of the institute, the genuine understanding and appreciation of the heritage of the Oriental Churches, and not merely membership in any of them, should be the norm of selecting teachers there.

#### 4. Pope Pius XI (1922-1939)

Pope Pius XI wrote an encyclical letter *Ecclesiam Dei* "on the occasion of the third anniversary of the death of St. Josaphat, martyr, Archbishop of Polotsk of the Oriental rite", on November 12, 1923.<sup>34</sup> In this apostolic letter the pope praises highly the sanctity and martyrdom of St. Josephat, 'Archbishop of Polotsk of the Eastern Slav rite, who is justly recognized as the glory and support of the Eastern Slavs'. At the end of this letter the pope appeals for the unity of all

---

<sup>30</sup> AAS 9 (1917) 532.

<sup>31</sup> AAS 9 (1917) 532.

<sup>32</sup> J. KRAJCAR, "The Christian East and Popes", 307.

<sup>33</sup> For the history and activities of the Institute, see EDWARD G. FARUGGIA, *The Pontifical Oriental Institute: the First Seventy-five Years 1917-1992*, Rome 1993

<sup>34</sup> PIUS XI, *Ecclesiam Dei*, AAS 15 (1923) 573-583: English trans. in *the Popes and the Oriental Church*, St Meinrad Essays vol. II, no. 2, 1955, 21-28.

Oriental Slavs and expresses regret for the faults committed by the private individuals of the Roman Church and urges the Latins to study the history and customs of the Orientals. The pope writes:

To this end, (for ecumenism) just as it is necessary that the dissident Orientals, laying aside ancient prejudices, should seek to know the true life of the Church without attributing to the Roman Church the faults of private individuals-faults which she is the first to condemn, and seek to correct; so also the Latins must strive to know better and more profoundly the history and customs of the Orientals..."<sup>35</sup>

The Pope also appeals for the unity of all Christians ensuring them equal rights and preservation of their rites:

In such a union all peoples will enjoy the same rights, whatever be their race or tongue, and whatever be their sacred rites; rites which the Roman Church has always venerated and religiously retained, decreeing their conservation and ornamenting herself therewith as with a precious vestment, like a queen in gilded clothing surrounded with variety.<sup>36</sup>

On September 8, 1928 the Pope wrote another encyclical letter, *Rerum Orientalium*. This encyclical was an appeal to ecclesiastics and all Christians to study the Christian East, its history, liturgy, theology and discipline.<sup>37</sup> In the words of the Pope:

We strongly beseech everyone of you, venerable brethren, to have at least one of your priests selected who, after being well trained in Oriental learning, may be prepared at the proper moment to give out this same knowledge to the students of the seminary. Indeed we are not unaware that it is the duty of the Catholic universities to establish a special faculty, so called, of Oriental studies....But by no means would it be so difficult to have in every one of our theological seminaries one professor who, besides teaching in the field of history or liturgy or canon law, would be able to give at least some elementary instruction on Oriental subjects and so, when the minds and spirits of students have been turned to the teachings and rites of the peoples

---

<sup>35</sup> AAS 15 (1923) 580.

<sup>36</sup> AAS 15 (1923) 581.

<sup>37</sup> PIUS XI, *Rerum Orientalium*, AAS 20 (1928) 277-288: English trans. in the *Popes and the Oriental Church*, St Meinrad Essays vol. II, no. 2, 1955, 29-38.

of the East, no slight repayment should result; and this would be beneficial not only to the people of the East but to the students themselves, who should draw therefrom a richer knowledge of Catholic theology and Latin learning, and should conceive in their spirits a stronger love for the spouse of Christ, whose wonderful beauty and unity in a variety of rites they have seen shine forth in a manner even more splendid.<sup>38</sup>

During the pontificate of Pius XI the Oriental Congregation was a thriving Roman dicastery, in particular in the times of secretaries, Cardinal Luigi Sincero (1927 - 1936) and Cardinal Eugène Tisserant (1936 -1959). The editing of liturgical books initiated by the congregation has rendered great service to Eastern Christians. While in the past the liturgical commissions were searching Oriental liturgical books for dogmatic errors, the modern commissions paid great attention also to authentic Oriental tradition.<sup>39</sup> In important matters, the pope himself took the decision. Around the year 1930 the bishops of the Syro-Malabar Church unanimously submitted to Rome a Syriac version of the Latin Pontifical for approval. On December 1, 1934 pope Pius 11 rejected their request with the words: "It is unlawful to foster Latinizing practices among the Easterners. The Holy See does not want to make them Latins but Catholics. Compromises are neither generous nor efficacious".<sup>40</sup>

The Eastern Catholic Churches have now a separate code of canon law which guarantees their identity and heritage to a certain extent because of a courageous decision taken by Pope Pius XI. In the 1930s the general opinion was in favour of a single common code for the universal Church, in which special mention would be made regarding particular disciplines of the Oriental Churches.<sup>41</sup> Cardinal Gasparri also expressed the same opinion in 1934 during the International Congress held at the Pontifical Lateran University: "the Latin code, which was promulgated in 1917 and its elaboration and

---

<sup>38</sup> AAS 20 (1928) 284.

<sup>39</sup> Cf. J. KRAJCAR, "The Christian East and Popes", 308.

<sup>40</sup> J. KRAJCAR, "The Christian East and Popes", 308-309; cf. J. Parecatil, *Liturgy Ente Drushtiyil*, (Malayalam) Ernakulam 1987, 49.

<sup>41</sup> D. FALTIN, "La codificazione del diritto canonico orientale", in *La Sacra Congregazione per le Chiese Orientali nel Cinquantesimo della Fondazione 1917-1967*, Romae 1969, 127.

successive revision will be a constant point of reference for the codification of the Oriental code; either to accept it or reject it as a model or to live with it, nothing less than a single code for the Universal Church will do."<sup>42</sup> But Pope Pius XI rejected the suggestion for a single code for the Universal Church in order to avoid latinization and to preserve the Oriental heritage. The pope says "...The concept of a common code is really beautiful for the reason of unity of the universal Church, but it is impossible to realize it within this short period of time and if at all do we realize it, one can think or at least interpret that it is an imposition of the Latin code and Latin discipline...it is absolutely necessary to take away every shade of latinization".<sup>43</sup>

### 5. Pope Pius XII (1939 - 1958)

On April 9, 1944 Pope Pius XII wrote the encyclical *Orientalis Ecclesiae* on the fifteenth centenary of the death St. Cyril, patriarch of Alexandria, 'to present his absolute integrity of life, his faith and his virtue, for the consideration of all, but especially of those who, being of the Eastern Church, rightly glory in this luminary of Christian wisdom, this athlete of apostolic fortitude'.<sup>44</sup> In this encyclical the pope highly praises the patrimony of the Oriental Churches; proclaims the equality of Latin and Oriental rites and orders their preservation.

It is likewise important to hold in due esteem all that constitutes for the Oriental peoples their own special patrimony, as it were, handed down to them by their forefathers; and this whether it regards the sacred liturgy and the hierarchical orders, or the other essentials of the Christian life, provided only that all is in full conformity with genuine religious faith and with the right rules of moral conduct. For a lawful freedom must be allowed to each and every people of Oriental Rite in all their own peculiar genius and temperament....And let all know and reflect on it, whether they be born in the bosom of the Catholic Church or are hastening towards it on the wings of desire: let them all be persuaded and hold for certain that

---

<sup>42</sup> See O. BUCCI, "Il codice del diritto canonico orientale nella storia della Chiesa", *Apollinaris* 55 (1982) 386.

<sup>43</sup> D. FALTIN, "La codificazione del diritto canonico commune", 128.

<sup>44</sup> PIUS XII, *Orientalis Ecclesiae*, AAS 36 (1944) 129-44: English trans. in the *Popes and the Oriental Church*, St Meinrad Essays vol. II, no. 2, 1955, 65-75.

they will never be compelled to exchange their own legitimate rites and ancient institutions for the Latin rite and institutions; both are to be regarded with equal esteem and veneration, for they surround our common mother Church with, as it were a regal variety. Nay more, such a diversity of rites and institutions, while conserving intact and inviolable all that is ancient and precious in each confession, does not put the least obstacle in the way of true and genuine unity.<sup>45</sup>

Another Important encyclical of Pope Pius XII is *Orientales omnes Ecclesias*, written on December 23, 1945, on the occasion of the three hundred and fiftieth anniversary of the union of the Church of the Ruthenians with the Apostolic See.<sup>46</sup> This encyclical, though addressed to the Ruthenians, has universal applicability. In this apostolic letter the pope gives a short account of the deep affection of the Roman Pontiffs towards the Orientals and explains how the Roman Pontiffs have taken care of the Ruthenian emigrants and have protected their rites. In the introductory part itself the pope declares that "the Orientals need have no fear at all of being compelled to abandon their lawful rites and customs if unity of faith and government is restored; Our predecessors have more than once made this absolutely clear. There no reason for you to fear on that account that We or any of Our successors will ever diminish your rights, the privileges of your patriarchs, or the established ritual of any one of your Churches".<sup>47</sup> In the second part of this encyclical the pope again points out the Rome's paternal care for the Ruthenians:

In the first place it must be noted that Our predecessors have always shown the greatest zeal in protecting and preserving the lawful rites of the Ruthenians...From all this it is evident that Our predecessors have always shown the same fatherly love to the Ruthenians as to the Catholics of the Latin Rite. They have also considered it most important to defend the rights and privileges of their hierarchy".<sup>48</sup>

---

<sup>45</sup> AAS 36 (1944) 137-138.

<sup>46</sup> PIUS XII, *Orientales Omnes Ecclesias*, AAS 38 (1946) 33-63: English trans. in the *Popes and the Oriental Church*, St Meinrad Essays vol. II, no. 2, 1955, 76-96.

<sup>47</sup> AAS 38 (1946) 34.

<sup>48</sup> AAS 38 (1946) 45-46.

Concerning the preservation of rite the Pope writes:

For the rest, far from its being the mind of the Apostolic See to damage the integrity or hinder the preservation of this rite, it rather caused the Ruthenian Church to cherish most religiously the traditions in liturgical matters handed down from antiquity. An outstanding sign of this zealous favour towards the Ruthenian rite may be seen in the new Roman edition of its liturgical books begun in Our pontificate and already in part happily accomplished. In this edition the Apostolic See, gladly assenting to the wishes of the Ruthenian bishops, has endeavored to restore their liturgical rites in accordance with their venerated ancient traditions.<sup>49</sup>

## 6. Pope Paul VI (1963 - 1978)

The Second Vatican Council and the subsequent events under the Pontificate of Pope Paul VI contributed much for a rapprochement between the Holy See and the Oriental Churches that are not in full communion with the Catholic Church. On December 7, 1965 the common declaration of Pope Paul VI and the Ecumenical Patriarch Athenagoras of Constantinople, in which they regretted the offensive words, the reproaches without foundation and the sentences of excommunications, was published. The consigning to oblivion of the mutual excommunications of 1054 and the lifting of the anathemas between Rome and Constantinople took place on the same day. In St. Peter's Basilica, at the last public session of the Second Vatican Council, Mons. Willebrands read the joint declaration in French. Then Pope Paul VI exchanged the kiss of peace with Metropolitan Meliton of Heliopolis, the representative of the Patriarch. In the Cathedral of the Phanar at Constantinople, the same text was read in Greek by the Secretary of the Holy Synod of the Patriarchate, in the presence of the Patriarch and of Lawrence Cardinal Shehan who represented the Pope.<sup>50</sup>

On the same day immediately after the reading of the common declaration to the Council Fathers, Augustine Cardinal Bea

---

<sup>49</sup> ASS 38 (1946) 50.

<sup>50</sup> AAS 58 (1966) 20-21; STRANSKY T. F. & SHEERIN J. B., *Doing the Truth in Charity, Statements of Pope Paul VI, Pope John Paul I, John Paul II and the Secretariat for Promoting Christian Unity* 1964-1980, New York 1982, 178-179.



read the pope's response.<sup>51</sup> In this response the pope expressed his regret for the past events which led to mutual excommunication and even called Constantinople, the new Rome as decreed by the ecumenical councils of Constantinople (381) c.3 and Chalcedon (451) c. 28. The words of the pope are the following:

Also, in the desire to proceed further along the path of paternal love, which will be able to lead us to perfect unity, and to suppress obstacles and impediments, in the presence of the bishops gathered here in the Second Vatican Ecumenical Council, we proclaim that we regret the words spoken and the deeds carried out and that they cannot be approved. Moreover, we wish to erase from the memory of the Church the sentences of excommunication then given and to retract it from its legacy and we wish that it be covered over and buried by oblivion. We are happy that it has been given to us to accomplish this act of fraternal charity, here in Rome, next to the tomb of the Apostle Peter on the very day when, in Constantinople, which is called the new Rome, the same action is being taken...<sup>52</sup>

Another great event was Pope Paul VI's Visit to Athenagoras in Istanbul on July 25-26, 1967. In his address at the end of a liturgical service at the patriarchal Cathedral of St. George, in which the pope and the patriarch participated, the pope emphasized "the profound identity of our faith" in spite of the differences and "while unity of faith is required for full communion, diversity of usages is not an obstacle to it".<sup>53</sup>

Before Vatican II, the superiority of the Latin Church was practised to a certain extent and unity meant uniformity and adaptation to the Latin liturgy and discipline as far as possible. Vatican II solemnly admitted the equality of Churches and the unity of the Churches in diversity. The relationship between different Churches is that of sister Churches. In a document addressed to Patriarch Athenagoras on 25 July 1967, Pope Paul VI invites the

---

<sup>51</sup> AAS 58 (1966) 40-41.

<sup>52</sup> AAS (1966) 41; On the same day a similar response to the declaration is made also by Patriarch Athenagoras to his Holy Synod, See STRANSKY T. F. & SHEERIN J. B., *Doing the Truth in Charity*, 181-183.

<sup>53</sup> STRANSKY T. F. & SHEERIN J. B., *Doing the Truth in Charity*, 182-183.

patriarch to a relationship of sister Churches:

We lived this life of sister Churches for centuries, celebrating together the ecumenical councils which defended the deposit of faith against any alteration. Now after a long period of division and reciprocal incomprehension the Lord grants us that we discover ourselves as sister Churches despite the obstacles which were then raised between us.<sup>54</sup>

This unity according to the pope "is a matter of knowing and respecting each other in the legitimate diversity of liturgical, spiritual, disciplinary and theological traditions (cf. Decree on Ecumenism, Nos. 14 and 17) by means of a frank theological dialogue, made possible by the re-establishment of brotherly charity in order to attain accord in the sincere confession of all revealed truths".<sup>55</sup>

## 7. Pope John Paul II

Pope John Paul II continues the attempts of Pope Paul VI for a true ecumenism and encouraged fruitful dialogue between different Churches that are not in full communion with the Catholic Church. The pope visited Patriarch Dimitrios I in Istanbul on 29-30, November 1979. During this visit the pope delivered a homily in the Holy Spirit Church in the presence of the Patriarch Dimitrios I and the Armenian Patriarch Kalustian. In this homily the Pope remembered the peaceful coexistence of the Latin Church and Oriental Churches in communion as sister-Churches:

For nearly a whole millennium, the two sister-Churches grew side by side, as two great vital and complementary traditions of the same Church of Christ, keeping not only peaceful and fruitful relations, but also concern for the indispensable communion in faith, prayer and charity, which they did not at any cost want to question, despite their different sensitivity.<sup>56</sup>

Regarding the theological dialogue which was about to begin at that time with the Orthodox Church the pope said: "this period has rightly been called the dialogue of charity. This dialogue has made it possible to become aware again of the deep communion that already

<sup>54</sup> Brief *Anno ineunte* ASS 59 (1967) 853; English trans. in STRANSKY T. F. & SHEERIN J. B., *Doing the Truth in Charity*, 187.

<sup>55</sup> AAS 59 (1967) 854.

<sup>56</sup> AAS 71 (1979) 1601.

unites us, and enables us to consider each other and treat each other as sister Churches".<sup>57</sup>

According to the pope the unity is not uniformity, but a unity in diversity:

Fundamental to this dialogue is the recognition that the richness of this unity in faith and spiritual life has to be expressed in diversity of forms. Unity-whether on the universal level or the local level - does not mean uniformity or absorption of one group by another. It is rather at the service of all groups to help each to live better the proper gifts it has received from God's Spirit. This is an encouragement to move ahead with confidence and reliance upon the guidance of the Holy Spirit.<sup>58</sup>

### Equality of Churches Re-confirmed

Formerly the common policy adopted by the Latin hierarchy in India was to latinize and assimilate the Oriental Christian faithful and religious to the Latin Church. The Oriental Christian faithful, separated from their mother Church, were subjected to a systematic latinization process so much so that many of them could think of their mother Church only with contempt and hesitation. Though personal parishes, exarchies or eparchies were established all over the world for the pastoral care of the faithful, especially after Vatican II, on the basis of language, culture, nationality, or rite, nothing happened in India. Decisions were taken in the Catholic Bishops Conference of India (CBCI) in which the Oriental bishops were a tiny minority. Similarly the Oriental Churches (Syro-Malabar and Syro-Malankara Churches) were not allowed to evangelize outside Kerala except for the Latin Church, though in India Christians are a tiny minority of 2.6% (Catholics only 1.7%).

Such an unjust situation finally prompted Pope John Paul II to intervene with his epoch making letter to the Bishops of India "to ensure a just and fair settlement" on 28 May, 1987.<sup>59</sup> Regarding the circumstances and importance of this letter Prof. George Nedungatt

---

<sup>57</sup> AAS 71 (1979) 1602.

<sup>58</sup> Address of Pope John Paul II to Coptic Orthodox Delegation, in *L'Osservatore Romano*, June 24, 1979.

<sup>59</sup> Unfortunately this important letter was not published in *Acta Apostolicae Sedis*; but it appeared in *Christian Orient* 8 (1987) 95-98 and also in *The Directory of the Eparchy of Kalyan* 1993, 26-30.

writes, "the misguided belief about the superiority of the Western Church *ratione ritus* added fuel to the zeal of the Western missionaries to "conquer", take over, and latinize through three centuries, the ancient, apostolic Church of the Thomas Christians. Though the recovery of its identity and equal ecclesial rights has the supreme sanction of the Second Vatican Council, the Syro-Malabar Church has had to struggle hard, not to say go to war, to obtain redress and have its rights finally recognized, thanks to a special papal intervention".<sup>60</sup>

In his historic letter the pope clearly affirmed the following points:

1. The bishops of each of the three Rites have the right to establish their own Episcopal bodies in accordance with their own ecclesiastical legislation. The National Conference of all the Catholic Bishops of India is to continue for questions of common concern and of a national and supra-ritual character.

2. As the Decree on the Catholic Eastern Churches points out, all the Churches under the pastoral guidance of the Roman Pontiff have the same rights and obligations, including what concerns the preaching of the Gospel, always "under the guidance of the Roman Pontiff".

3. Regarding the pastoral care of the faithful of the Eastern Rites who are living in Latin Rite dioceses, in accordance with the spirit and letter of the conciliar decrees *Christus Dominus*, 23,3 and *Orientalium Ecclesiarum*, 4, the Latin Ordinaries of such dioceses are to provide as soon as possible for an adequate pastoral care of the faithful of these Eastern Rites, through the ministry of priests, or through parishes of the Rite, where this would be indicated, or through an Episcopal Vicar endowed with the necessary faculties, where circumstances would so indicate (Cf. *Christus Dominus*, 23,3; Code of Canon Law, Canons 383 § 2; 476; 518). This latter may even have episcopal rank should this be determined as fitting (*Christus Dominus* 23,3). Where circumstances would so indicate, the Apostolic See will establish a proper hierarchy for such faithful.

Thus through this letter the pope clearly affirmed the equality of the three Churches in India which are under his pastoral care. Though

---

<sup>60</sup> G. NEDUNGATT, "Equal Rights of the Churches in the Catholic Communion", *The Jurist* 49 (1989) 20-21.

the letter is addressed only to the bishops of India the affirmations of the pope concerning the equality of Churches has universal validity.

### **The Promulgation of the Oriental Code and the Preservation of the Heritage of Oriental Churches**

The promulgation of a common Code for the Oriental Churches shows the great solicitude of Pope John Paul II, who "presides in love" over the Universal Church and his great desire for the "tranquillity of order" in all the Churches which are "equally entrusted" to his pastoral guidance. During the solemn presentation of the Code to the synod of bishops on 25 October 1990, the pope insisted that this Code should be accepted by the universal Church and should be regarded as belonging to its disciplinary patrimony on an equal basis with the Latin Code.<sup>61</sup> The pope in this discourse also made clear that the purpose of this code is to protect and preserve the heritage of Oriental Churches:

For many centuries we did not have a Code containing the common law for all the Catholic Churches, a Code that would reflect their ritual patrimony and guarantee their protection but which also and primarily would defend them, assuring and promoting their vitality, growth and vigour in fulfilling the mission entrusted to them<sup>62</sup>

Again the pope in the Apostolic Constitution *Sacri canones* quoting the words of Pope Paul VI expresses clearly and firmly the mind of the Holy See concerning the preservation of the heritage of Oriental Churches:

"Fidelity to this sacred patrimony of ecclesiastical discipline brings it about that, among so many and so great vexations and adversities which the Eastern Churches have suffered, whether in antiquity or more recent times, nevertheless the proper countenance of the East is to be observed in its entirety, and this indeed happened to take place not without great benefit to souls" (AAS 66 [1974] 245). The clear words of Paul VI of blessed memory delivered in the Sistine chapel ...echo those of the Second Vatican Council concerning the "greatest fidelity" which decreed that the same disciplinary patrimony be observed by all of the Churches, requiring also that "they

---

<sup>61</sup> Cf. *L'Osservatore Romano*, 27 October 1990.

<sup>62</sup> *Nuntia* 31 (1990) 18; also in *L'Osservatore Romano*, 27 November 1990, 4-5.

take pain to return to the ancestral traditions" if in certain ones "because of circumstances of times or personages they have improperly fallen away from them" (OE 6).<sup>63</sup>

The pope states again:

Likewise the constant and firm mind of the supreme legislator in the Church is clear concerning the faithful preservation and accurate observance of all the Eastern rites, expressed again and again in the proper norms of the Code derived from the five traditions...<sup>64</sup>

## 8. The Teaching of the Popes and the Congregation for the Oriental Churches

The official magisterium of the pope concerning the growth of Oriental Churches and the preservation of their rich heritage is constant, firm and self evident. According to CIC c. 360 "the Supreme Pontiff usually conducts the business of the universal Church by means of the Roman Curia, which fulfills its duty in his name and by his authority for the good and service of the Churches...".<sup>65</sup> As far as the Oriental Churches are concerned the pope now acts mainly through the Congregation for the Oriental Churches which "fulfills its duty in his name and by his authority" in matters within its competence. Therefore the congregation has no ideology other than that of the popes.

### Competence of the Congregation

*Pastor Bonus*<sup>66</sup>, which newly defined the competence of the congregation, establishes that "the Congregation for the Oriental Churches considers those matters, whether concerning persons or things, affecting the Oriental Catholic Churches" (Art. 56) and "the competence of this Congregation extends to all matters which are proper to the Oriental Churches and which are to be referred to the Apostolic See, whether concerning the structure and organization of the Churches, the exercise of the functions of teaching, sanctifying and governing, or the statutes, rights, and obligations of persons. It also

---

<sup>63</sup> AAS 87 (1990) 1034-1035.

<sup>64</sup> Ap. Const. "Sacri Canones", AAS 82 (1990) 1037

<sup>65</sup> Cf. CCEO c.46.

<sup>66</sup> Pope JOHN PAUL II, Ap. Constitution *Pastor bonus*, 29 June 1988, AAS 80 (1988) 841-912.

handles everything that has to be done concerning quinquennial reports and the *ad limina* (Art. 58 § 1)". This congregation is also competent for the pastoral care of the communities of Oriental Christian faithful living within the territories of the Latin Church (Art. 59) and the apostolic and missionary activity in regions where Oriental rites have been preponderant from ancient times (Art. 60).

But the competence of the congregation is not unlimited. The proper and exclusive competence of the Congregations for the Doctrine of the Faith and for the Causes of Saints, of the Apostolic Penitentiary, the Supreme Tribunal of the Apostolic Signatura, or of the Tribunal of the Roman Rota, as well as of the Congregation for Divine Worship and the Discipline of the Sacraments for what pertains to dispensation from marriage *ratum et non consummatum* are kept intact (Art. 58 § 2). In spite of these limitations the congregation is sufficiently competent for matters concerning the heritage and identity of Catholic Oriental Churches.

### The Policy of the Congregation

In accordance with the papal magisterium the congregation has tried its best (exceptions not excluded) to preserve the heritage and identity of the Catholic Oriental Churches. One of the greatest activities of this congregation was the preparation of liturgical books. Under its vigilance and supervision liturgical books were prepared for all the Oriental Churches, remaining faithful to genuine sources, authentic Oriental tradition and avoiding all kinds of latinization.<sup>67</sup> The position of the Congregation regarding the preservation of the heritage of Oriental Churches is clear from some of its documents.<sup>68</sup> In the forwarding letter attached to the "The Order of the Holy Mass of the Syro-Malabar Church 1981", Wladyslaw Cardinal Rubin wrote to Joseph Cardinal Parecattil on March 1, 1983:

In examining and revising the text, the Sacred Congregation was guided by those well-known criteria which it has always followed in similar circumstances and

---

<sup>67</sup> *Oriente Cattolico, Cenni storici e statistiche*, 4th edition, città del Vaticano 1974, 39-55.

<sup>68</sup> In such an article it is difficult to make a comprehensive study of the documents related to different Churches. Therefore as a case study I am quoting only the documents related to the Syro-Malabar Church, the most latinized Oriental Church of the Catholic communion.

which are in conformity with the Decrees of the Second Vatican Council: "In faithful obedience to tradition, the Sacred Council declares that the Holy Mother Church holds all lawfully recognized rites to be of equal right and dignity; and wishes that they *be preserved and fostered* in every way. The Council also desires that, where necessary, these rites *be carefully revised in the light of sound tradition and be given new vigour to meet the circumstances and needs of today* (Constitution on the Sacred Liturgy, N. 4)".<sup>69</sup>

In the forwarding letter attached to the "Final Judgement of the S. Congregation for the Oriental Churches Concerning the Order of the Syro-Malabar Qurbana", sent to all the Hierarchs of the Syro-Malabar Church on July 24, 1985 the Congregation again made clear emphatically and clearly the position of the Holy See:

It is evident that the S. Congregation, in fulfilling its delicate task, and acting within the limits of its official competency, in no way intended, or intends, to depart from the well-established principles that have constantly guided the Holy See in the all-important matter of liturgical reform and renewal. It has always been the Church's ideal that the different Rites be preserved in their authenticity and integrity and that they be cherished, observed and honored with the greatest fidelity. Nor has the Holy See seen fit to accord authorization to reforms of lawful liturgical rites, whether by undue reduction or amplification or by misplaced imitation of other traditions, that are not consonant with the nature and spirit of the Rite concerned and not compatible with its appropriate and organic development. The relevant texts of the Second Vatican Council are a confirmation and a particularly authoritative declaration of the long-standing position of the Holy See.<sup>70</sup>

After pointing out the necessity "to return to the sources", the congregation speaks about the illicit liturgical practices arbitrarily introduced in an eparchy of the Syro-Malabar Church:

Unfortunately, the so called liturgical reformations envisaged "in loco" do not seem to have been prepared by such a "return to the sources" nor by a liturgical movement worthy of the name. This "return to the sources" is definitely not a "going back", as some could think who consider "Oriental things are backward" and who have been trained in an anti-Oriental bias, who ignore the value

---

<sup>69</sup> Sacra Congregatio pro Ecclesiis Orientalis, Prot. No. 955/65.

<sup>70</sup> Sacra Congregatio pro Ecclesiis Orientalibus, Prot. No. 955/65.



of their ancestral Rite and Ecclesial Tradition and who fear it might be irreverent to contemporary man of whatever milieu or an obstacle to modern progress.<sup>71</sup>

## Conclusion

We have examined the official magisterium of the popes regarding the dignity and growth of Oriental Churches and the preservation of their rich heritage. In spite of the constant teaching of the popes, knowingly or unknowingly many Oriental Churches were left to the latinization policy of the missionaries who wanted to mould these Churches after the model of the Latin Church. Realizing this fact the Second Vatican Council declared: "if they have fallen away due to circumstances of times or persons, they are to strive to return to their ancestral traditions" (OE 6). As head of the Catholic Church the recent popes are helping the Oriental Churches in every possible manner to regain their original identity and "to flourish and fulfil with new apostolic strength the task entrusted to them" (OE 1). The Congregation for the Oriental Churches which "fulfills its duty in his name and by his authority" exercises the necessary supervision and vigilance over the Oriental Churches (especially over the latinized ones) in their effort to become authentically Oriental, giving them directions and guidance wherever necessary. All those who really love the Oriental Churches and their heritage expect that the congregation acts faithfully according to the constant, firm and well known policy of the Holy See also in the future. Only such a policy can do good to the Oriental Churches in the long run and can be helpful to the long desired ecumenism, whatever be the problems and difficulties today.

---

<sup>71</sup> Sacra Congregatio pro Ecclesiis Orientalibus, Prot No. 955/65.